

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/13/2008 has been entered.

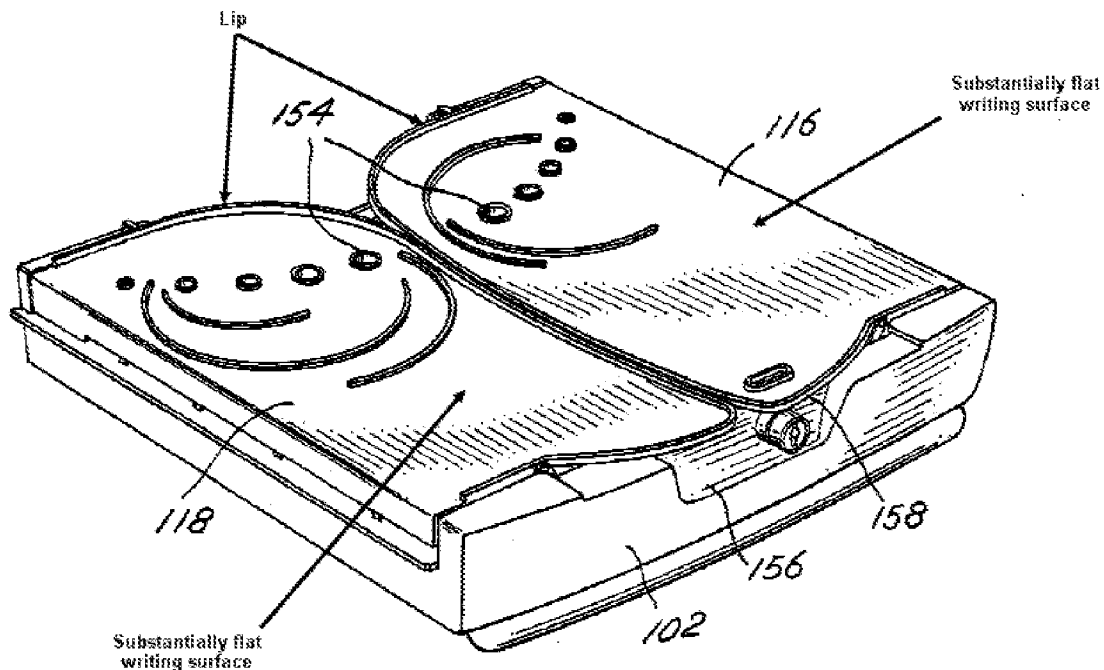
Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, 4, 7, 8, 10-14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al. (US 6,745,897) in view of Butcher (US Pat 5,485,922). Barber discloses a storage container (See Figs. 7-15) comprising: a base defining a bottom wall and a side wall extending upwardly from the bottom wall to define a storage receptacle; a first cover section (116) pivotably coupled to the base side wall and movable between a closed position in which the first cover section overlies the portion of the storage receptacle and an open position in which the first cover section is rotated away from the storage receptacle and extending over a portion of the storage receptacle; and a second cover section (118) pivotably coupled to the base side wall and movable between a closed position, in which the second cover section overlies a

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remaining portion of the storage receptacle, and an open position, in which the second cover section is rotated away from the storage receptacle; wherein the base, first cover section, and second cover section in the closed position are capable of defining an overall profile height sufficiently low to allow insertion of the storage container into a storage space having a low profile height, wherein the first and second cover sections pivot about respective pivot axes that are substantially perpendicular to the base side wall; and the first and second cover sections comprising a substantially flat writing surface (surface shown below is substantially flat and capable of being used as a writing surface) that is recessed below a portion (the substantially flat surface is recessed below the lip portion on the outer surface of the cover sections) of an outer surface of the cover sections (See Fig. 8 shown below).



Barber does not disclose that an interior side of the first/second cover section defines a storage pocket, wherein the storage pocket is housed inside the storage receptacle when the first/second cover section is in the closed position and wherein the storage pocket is accessible when the first/second cover section is in the open position. However, Butcher discloses a portable computer case having a cover section defining storage pockets (Fig 1 ref 67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the first/second cover sections of the Barber case to include storage pockets, as taught by Butcher, for the purpose of housing additional computer accessories that are easily removed for use with the computer when the case is opened.

Further regarding claims 11 and 12, the modified device of Barber does not disclose a roller and a handle coupled to the base near the bottom wall. However, Butcher discloses a roller (Fig 4 ref 75) and handle (80) coupled to the base near the bottom wall. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the base of the Barber case to include rollers and a handle, as taught by Butcher, for the purpose of better facilitating transportability of the case (column 7 lines 66-67 and column 8 lines 1-2).

Regarding claims 8 and 14, while the modified device of Barber does not disclose that the overall profile height is less than 4 inches, it would have been obvious to one having ordinary skill in the art at the time the invention was made to change the size of the storage container of Barber to be less than 4 inches since it has been held that a mere change in size/proportion of an invention is not sufficient to patentably distinguish over prior art. In re Rose, 105 USPQ 237 (CCPA 1955). See MPEP 2144.04 (IV).

Response to Arguments

4. Applicant's arguments filed 5/13/2008 have been fully considered but they are not persuasive. Barber clearly discloses first and second cover sections (116 and 118) comprising a substantially flat writing surface (surfaces shown above are substantially flat and capable of being used as a writing surface) that is recessed below a portion (lip extends above the writing surface) of an outer surface of the cover sections (See Fig. 8 shown above).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Reynolds whose telephone number is (571)272-9959. The examiner can normally be reached on Monday-Friday 9:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JILA M MOHANDESI/
Primary Examiner, Art Unit 3728

/S. R./
Examiner, Art Unit 3728